

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



July 20, 2005

Regulation Package #0205-02

CDSS MANUAL LETTER NO. CCL-05-13

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 12,  
CHAPTER 1, CHILD CARE CENTER

**Regulation Package #0205-02****Effective 6/15/05****Sections 101178 and 101187**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/ChildCareC\\_626.htm](http://www.dss.cahwnet.gov/ord/ChildCareC_626.htm).

The Budget Act for 2004-2005 included changes to the CCL fee structure that increased licensing fees and established new fees. SB 1104 authorizes the Department to collect licensing fees. Current regulations are inconsistent with and superceded by the new statute. Changes are necessary to make the regulations consistent with the amended licensing fee statutes.

These regulations were nonsubstantive; therefore, no public hearing was held.

**FILING INSTRUCTIONS**

**Revisions to all manuals are shown in graphic screen.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-05-12. The latest prior manual letter containing Child Care Center regulation changes was Manual Letter No. CCL-05-08.

**Page(s)****Replace(s) Page(s)**

1 and 2  
46 and 47  
56 through 58.1

1 and 2  
46 and 47  
56 through 58

Attachments

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**TABLE OF CONTENTS****TITLE 22, DIVISION 12****CHAPTER 1 CHILD CARE CENTER GENERAL LICENSING REQUIREMENTS****Article 1. General Requirements and Definitions**

	<b>Section</b>
General .....	101151
Definitions .....	101152

**Article 2. Licensing**

License Required .....	101156
Operation Without a License .....	101157
Exemption from Licensure.....	101158
Various subsections renumbered and repealed by Manual Letter No. CCL-98-11, effective 11/1/98 .....	101159
Posting of License.....	101160
Limitations on Capacity and Ambulatory Status .....	101161
Advertisements and License Number .....	101162
False Claims.....	101163

**Article 3. Application Procedures**

Transfer and Sale .....	101167
Applicant Qualifications .....	101168
Application for License.....	101169
Criminal Record Clearance.....	101170
Criminal Record Exemption .....	101170.1
Child Abuse Central Index.....	101170.2
Fire Clearance .....	101171
Water Supply Clearance .....	101172
Plan of Operation .....	101173
Disaster and Mass Casualty Plan .....	101174
Waivers and Exceptions for Program Flexibility.....	101175
Initial Application Review .....	101178
Capacity Determination .....	101179
Withdrawal of Application .....	101180
Provisional License.....	101181
Issuance/Term of a License.....	101182
Repealed by Manual Letter No. CCL-98-09, effective 11/1/98.....	101184
Submission of New Application .....	101185
Conditions for Forfeiture of a Child Care Center License.....	101186
Licensing Fees .....	101187

**TABLE OF CONTENTS (Continued)**

**Article 4. Enforcement Provisions**

	<b>Section</b>
Repealed by Manual Letter No. CCL-98-11, effective 11/1/98.....	101192
Deficiencies in Compliance .....	101193
Follow-up Visits to Determine Compliance .....	101194
Penalties .....	101195
Review of Licensing Decisions.....	101196
Exemption from Civil Penalties .....	101197
Unlicensed Facility Penalties.....	101198
Denial or Revocation of License for Failure to Pay Civil Penalties .....	101198.1
Inspection Authority of the Department .....	101200
Evaluation Visits.....	101201
Renumbered to Section 101193 by Manual Letter No. CCL-98-11, effective 11/1/98 .....	101202
Repealed by Manual Letter No. CCL-98-11, effective 11/1/98.....	101210

**Article 5. Administrative Actions**

Denial of License .....	101205
Revocation or Suspension of License .....	101206
Licensee/Applicant Complaints .....	101207

**Article 6. Continuing Requirements**

Reporting Requirements .....	101212
Finances .....	101213
Accountability.....	101214
Administrator Qualifications and Duties .....	101215
Child Care Center Director Qualifications and Duties .....	101215.1
Personnel Requirements.....	101216
Teacher Qualifications and Duties.....	101216.1
Teacher Aide Qualifications and Duties .....	101216.2
Teacher-Child Ratio.....	101216.3
Preschool Program with Toddler Component.....	101216.4
Staffing -- Parent-Cooperative Centers.....	101216.5
Staffing for Water Activities.....	101216.6
Personnel Records.....	101217
Admission Policies.....	101218
Admission Procedures and Parental and Authorized Representative's Rights .....	101218.1
Admission Agreements .....	101219
Child's Medical Assessments.....	101220
Immunizations.....	101220.1

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**HANDBOOK BEGINS HERE**

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- (1) Health and Safety Code Section 1596.851 provides:
- (a) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this act or under Chapter 1 (commencing with Section 1200) or Chapter 2 (commencing with Section 1250) or Chapter 3 (commencing with Section 1500), or Chapter 3.3 (commencing with Section 1569) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of the revocation. Cessation of review shall not constitute a denial of the application.
  - (b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in subdivision (a) and the application was denied within the last year, the department shall cease further review of the application under either of the following circumstances as follows:
    - (1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.
    - (2) In cases where the department informed the applicant of his or her right to petition for a hearing as specified in Section 1596.879 and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

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The department may continue to review the application if it has determined that the reasons for the denial of the application were due to circumstances and conditions which have been corrected or are no longer in existence. The cessation of review shall not constitute a denial of the application.

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- (2) The circumstances and conditions under which the Department may continue to review a previously denied application shall include, but not be limited to, the following:
  - (A) A fire clearance previously denied but now approved;
  - (B) An administrator who previously did not meet the minimum qualifications but now does; or
  - (C) A person with a criminal record previously associated with the center, which was the basis for license denial, but who is now no longer associated with the center.
- (3) This review shall not constitute approval of the application.
- (4) If the Department ceases review of an application, the application shall be returned to the applicant. The applicant shall be responsible for requesting the Department to resume reviewing the application pursuant to Health and Safety Code Section 1596.851.

- | (c) The application fee is nonrefundable.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.83, 1596.851 and 1596.95, Health and Safety Code.

<b>101186</b>	<b>CONDITIONS FOR FORFEITURE OF A CHILD CARE CENTER LICENSE (Continued)</b>	<b>101186</b>
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- (b) If the licensee dies, an adult relative who has control of the property may operate a previously licensed child care center under an Emergency Approval to Operate (EAO) (LIC 9117 [4/93]) provided the following conditions are met:
- (1) The relative, or an adult acting on the relative's behalf, notifies the Department by telephone during the first working day after the licensee's death that the relative intends to operate the child care center.
  - (2) The relative files with the Department within five calendar days of the licensee's death an Application for a Child Day Care Center License (LIC 200A [12/92]) and evidence of the licensee's death as specified in Section 101152e.(4).
    - (A) Notwithstanding the instructions on the LIC 200A (12/92), the Department shall permit the relative to submit only the information on the front side of the LIC 200A (12/92).
  - (3) The relative files his/her fingerprint cards with the Department of Justice within five calendar days of the licensee's death.
- (c) If the adult relative complies with (b)(1) and (b)(2) above, he/she shall not be considered to be operating an unlicensed child care center pending the Department's decision on whether to approve a provisional license.
- (d) The Department shall make a decision within 60 days after the application is submitted on whether to issue a provisional license pursuant to Section 101181.
- (1) A provisional license shall be granted only if the Department is satisfied that the conditions specified in (b) above and Section 101181 have been met and that the health and safety of the children attending the child care center will not be jeopardized.

NOTE: Authority cited: Sections 1596.81 and 1596.858(e), Health and Safety Code. Reference: Sections 1596.845, 1596.858 and 1596.858(e), Health and Safety Code.

<b>101187</b>	<b>LICENSING FEES</b>	<b>101187</b>
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(a) An applicant or licensee shall be charged fees as specified in Health and Safety Code Section 1596.803.

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(1) Health and Safety Code Section 1596.803 provides:

“(a) An application fee adjusted by facility and capacity shall be charged by the department for the issuance of a license to operate a child day care facility. After initial licensure, a fee shall be charged by the department annually, on each anniversary of the effective date of the license. The fees are for the purpose of financing activities specified in this chapter. Fees shall be assessed as follows:

Fee Schedule

Facility Type	Capacity	Original Application	Annual Fee
Family Day Care	1-8	\$60	\$60
	9-14	\$115	\$115
Day Care Centers	1-30	\$400	\$200
	31-60	\$800	\$400
	61-75	\$1,000	\$500
	76-90	\$1,200	\$600
	91-120	\$1,600	\$800
	121+	\$2,000	\$1,000

(b) (1) In addition to fees set forth in subdivision (a), the department shall charge the following fees:

(A) A fee that represents 50 percent of an established application fee when an existing licensee moves the facility to a new physical address.

(B) A fee that represents 50 percent of the established application fee when a corporate licensee changes who has the authority to select a majority of the board of directors.

(C) A fee of twenty-five dollars (\$25) when an existing licensee seeks to either increase or decrease the licensed capacity of the facility.

(D) An orientation fee of twenty-five dollars (\$25) for attendance by any individual at a department-sponsored family child day care home orientation session, and a fifty dollar (\$50) orientation fee for attendance by any individual at a department-sponsored child day care center orientation session.

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(E) A probation monitoring fee equal to the annual fee, in addition to the annual fee for that category and capacity for each year a license has been placed on probation as a result of a stipulation or decision and order pursuant to the administrative adjudication procedures of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(F) A late fee that represents an additional 50 percent of the established annual fee when any licensee fails to pay the annual licensing fee on or before the due date as indicated by postmark on the payment.

(G) A fee to cover any costs incurred by the department for processing payments including, but not limited to, bounced check charges, charges for credit and debit transactions, and postage due charges.

(H) A plan of correction fee of two hundred dollars (\$200) when any licensee does not implement a plan of correction on or prior to the date specified in the plan.

(2) No local jurisdiction shall impose any business license, fee, or tax for the privilege of operating a small family day care home licensed under this act.

(c) (1) The revenues collected from licensing fees pursuant to this section shall be utilized by the department for the purpose of ensuring the health and safety of all individuals provided care and supervision by licensees, and to support the activities of the licensing program, including, but not limited to, monitoring facilities for compliance with licensing laws and regulations pursuant to this act, and other administrative activities in support of the licensing program, when appropriated for these purposes. The revenues collected shall be used in addition to any other funds appropriated in the annual Budget Act in support of the licensing program.

(2) The department shall not utilize any portion of these revenues sooner than 30 days after notification in writing of the purpose and use, as approved by the Department of Finance, to the Chairperson of the Joint Legislative Budget Committee, and the chairpersons of the committee in each house that considers appropriations for each fiscal year. The department shall submit a budget change proposal to justify any positions or any other related support costs on an ongoing basis.

(d) A child day care facility may use a bona fide business or personal check to pay the license fee required under this section.

(e) The failure of an applicant for licensure or a licensee to pay all applicable and accrued fees and civil penalties shall constitute grounds for denial or forfeiture of a license.”

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<b>101187</b>	<b>LICENSING FEES (Continued)</b>	<b>101187</b>
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(b) When a licensee moves a child care center from one location to another, the relocation fee shall be as specified in Health and Safety Code Section 1596.803(b)(1)(A).

(1) To qualify for the relocation fee, the following shall apply:

(A) The licensee has notified the Department before actually relocating the child care center.

(B) The child care center licensing category remains the same.

(C) The fee is based on the capacity requested for the new location.

(c) The fees are nonrefundable.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, and 1596.803, Health and Safety Code.